

CITY OF APPLE VALLEY
Dakota County, Minnesota
July 8, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 8, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Mayor Hamann-Roland; Councilmembers Bergman, LaComb, Goodwin, and Grendahl.

ABSENT: None.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Assistant City Engineer Bennett, Public Works Director Blomstrom, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, Police Captain Marben, Community Development Director Nordquist, Human Resources Manager Pearson, Police Captain Rehtzigel, Fire Chief Thompson, and Crime Prevention Specialist Walter.

Mayor Hamann-Roland called the meeting to order at 8:00 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scouts William Gagliardi from Troop 451 and Luke Kauffman from Troop 205.

APPROVAL OF AGENDA

MOTION: of LaComb, seconded by Grendahl, approving the agenda for tonight's meeting, as presented. Ayes - 5 - Nays - 0.

AUDIENCE

Mayor Hamann-Roland asked if anyone was present to address the Council, at this time, on any item not on this meeting's agenda. No one requested to speak.

CONSENT AGENDA

Mayor Hamann-Roland asked if the Council or anyone in the audience wished to pull any item from the consent agenda. There were no requests.

MOTION: of Bergman, seconded by Goodwin approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of June 17, 2010, as written. Ayes - 5 - Nays - 0.

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- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-132** accepting, with thanks, the donation of \$500.00 from Dakota Electric for Parks and Recreation Department Safety Camp. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Ducks Unlimited, Chapter 185, for use on September 15, 2010, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Firefighters Relief Association, for use on September 18, 2010, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion, Post 1776, for use on August 20, 2010, outdoors at 14521 Granada Drive; as described in the City Clerk's memo dated July 2, 2010. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-133** authorizing the City Clerk to appoint Deputy City Clerks. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving the ALF Ambulance 2011 Budget, as attached to the City Administrator's memo dated July 1, 2010, as recommended by the ALF Ambulance Board. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-134** accepting Source Water Protection Plan Implementation Grant of \$10,000.00, and approving the Grant Agreement with the State of Minnesota, as attached to the Public Works Superintendent's memo dated July 8, 2010, and authorizing execution of the necessary documents. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving the agreement with Studio 120 for production of City Promotional Video, subject to approval by the City Administrator and City Attorney, for scope of services as attached to the Community Development Director's memo dated July 2, 2010. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-135** authorizing submittal of application to Department of Employment and Economic Development (DEED) for Transportation Improvement Area (TIA) Designation and approving TIA area plan for the Apple Valley Transit Station. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-136** approving temporary extended hauling hours for Fischer Sand and Aggregate, LLP. Ayes - 5 Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-137** awarding the contract for AV Project 2010-102, 2010 Reconditioning and Painting of Steel Fence Sections, Fence Support Posts, and Decorative Light Poles, to Champion Coatings, Inc., the lowest responsible bidder, in the amount of \$112,012.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving an Intergovernmental Agreement with the Metropolitan Council for the 2010 Citizen Assisted Lake Monitoring Program (CAMP) on Cobblestone Lake, Farquar Lake, Long Lake, and Scout Lake, as attached to the Natural Resources Coordinator's memo dated June 8, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No.1 to the contract with McNamara Contracting, Inc., for AV Project 2009-122, 140th Street and Garden View Drive Improvements, in the amount of an additional \$3,265.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Senior Center Project # 0920 – Drywall/Access Doors as complete and authorizing final payment on the agreement with Friedges Drywall, Inc., in the amount of \$9,521.60. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Senior Center Project # 0741 – Roofing/Sheetmetal as complete and authorizing final payment on the agreement with Weather Proof Systems, in the amount of \$6,006.55. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2009-111, Long Lake Draw Down Pipe as complete and authorizing final payment on the contract with Dave Perkins Contracting, Inc., in the amount of \$10,410.29. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-138** approving the Business Associate Agreement with Gallagher Benefit Services, Inc.; and authorizing the Mayor and City Clerk to sign the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-139** authorizing application for plan sponsor approval for early retiree reinsurance program, and authorizing the Mayor and City Clerk to sign the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal employee, Fire Department assignments, promotion, and retirements of employees, as listed in the Personnel report dated July 8, 2010. Ayes - 5 - Nays - 0.

END CONSENT AGENDA

NIGHT TO UNITE

Ms. Walter reviewed the agenda of activities planned throughout the City for the 2nd annual "Night to Unite" on August 3, 2010. She invited everyone to attend a picnic sponsored by the Business Watch program, from 11:30 a.m. to 1:30 p.m., at Fire Station 1. Visits by the Police and Fire Departments and Councilmembers to neighborhood events will begin at 5:00 p.m., and continue throughout the evening. There are approximately 60 neighborhood parties registered so far. Neighborhoods interested in scheduling a party can register online. Ms. Walter then read the proclamation.

MOTION: of Grendahl, seconded by LaComb, proclaiming August 3, 2010, as "Night to Unite" and encouraging citizens to participate in and support the crime prevention efforts this opportunity offers. Ayes - 5 - Nays - 0.

MENARD'S REMODEL

Mr. Nordquist reviewed the request by Menard, Inc., for an agreement for the redesign and reconstruction of Flagstaff Avenue, an ordinance amendment to "PD-646", and a site plan/building permit authorization for an outdoor yard and garden center for Menard's, located at 14960 Florence Trail. The petitioner is requesting the current setback of 40 feet for buildings abutting a collector street be reduced to 20 feet in order to allow for the construction of a 31,102 sq. ft. warehouse and shipping area. The applicant is also requesting a site plan/building permit authorization to allow for the remodeling of their existing outdoor lumberyard, which includes a 23,250 sq. ft. unheated garden center, relocation of an off-peak generator, and a new entrance into the merchandise yard area. The relocation of the entrance off of Flagstaff Avenue will make room for 21 additional parking spaces. He noted the improvements to Flagstaff Avenue will start 100 feet south of Florence Trail and Menards will pay 100 percent of the costs associated with the redesign and reconstruction. He reviewed the timelines for the road improvements as set out in the agreement.

Councilmember Bergman questioned who will be constructing the road.

Mr. Blomstrom explained that per the agreement the City will design the road improvements, publicly bid them under a City contract, and administer the construction contract.

Mr. Nordquist pointed out there are a variety of setbacks in that Planned Development. He then reviewed the elevation drawings, landscape plan, and various design elements which will be incorporated into the 380-foot wall along Flagstaff Avenue. He stated the Planning Commission reviewed this item at its June 16, 2010, meeting and voted unanimously to recommend approval.

Councilmember Bergman voiced concern with the plan for landscaping along Flagstaff Avenue, stating he would like more landscaping in that area.

Mr. Blomstrom stated staff is considering the possibility of installing boulevard trees next to Menards. However, if they are installed, they will be widely spaced and are unlikely to provide much screening.

Councilmember Bergman stated it appears there is no other landscaping in this area. He would like to see shrubs, grasses, or some sort of vegetation.

Mr. Blomstrom noted most of the existing landscaping will remain in place. The landscaping is not scheduled to be removed with this construction.

Councilmember Bergman said that satisfies his concerns.

Councilmember Grendahl asked how many lanes Flagstaff Avenue will have.

Mr. Nordquist responded there will be a total of 5 lanes.

Councilmember Grendahl said she does not think the current speed limit in this area makes sense. She suggested MnDOT conduct a speed study on 147th Street and on Flagstaff Avenue after it is connected to 140th Street.

Mr. Blomstrom said staff will make that request.

MOTION: of Grendahl, seconded by Bergman, approving the agreement with Menard, Inc., for redesign and reconstruction of Flagstaff Avenue, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 890** amending Planned Development Ordinance No. 646 to allow for a building setback of 20 feet from 147th Street W. for an accessory structure when constructed in conjunction with a building material sales operation. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-140** approving the site plan and authorizing issuance of a building permit for construction of a 23,250 sq. ft. garden center and a 31,107 sq. ft. warehouse and shipping area, relocation of an off-peak generator, and entrance into the yard area for the

Menard's remodeling project on Lot 1, Block 3, Fischer Market Place (14960 Florence Trail), with conditions as recommended by the Planning Commission.
Ayes - 5 - Nays - 0.

ROBERT L. ERICKSON PARK DESIGNATION

Mr. Lawell said on June 17, 2010, the Council discussed the designation of an existing parcel of land in honor of the late Bob Erickson who served the City in multiple capacities for more than 26 years. He served on the Parks and Recreation Advisory Committee, the Planning Commission, as well as on the City Council for 18 years. The 3.97 acre parcel of land is located south of 140th Street and east of 142nd Street. It is currently called public open space. The recommendation is to officially name this parcel Robert L. Erickson Park.

Councilmember Goodwin stated it is with great pleasure that he is able to read the proposed resolution naming the public open space Robert L. Erickson Park. He said he has been working on this project for some time. He then read the resolution.

MOTION: of Goodwin, seconded by LaComb, adopting **Resolution No. 2010-141** approving designating the 3.97 acre parcel of land located on Outlot B, Greenleaf 11th Addition, as Robert L. Erickson Park.

Councilmember Goodwin said Councilmember Erickson was one of the finest people he ever met in public service and one of the finest who ever served this community. He is also one of the only individuals who served on three committees. He said Bob was one of his dearest friends and is sadly missed. The park will be kept as natural as possible. It will likely have with a bench or two and some prairie flowers, and he thinks Bob would have liked it that way. He believes this park is named after one of the true fathers of this community and one of this City's most prominent citizens.

Mayor Hamann-Roland said the clean up and/or removal of buckthorn from this park may be a great opportunity for an Eagle Scout project, students from the School of Environmental Studies, or engaged citizens. She said she hopes there will be an opportunity to have a dedication of this park.

Vote was taken on the motion: Ayes - 5 - Nays - 0.

Councilmember Bergman said after talking to residents near the park it became evident the park should stay in a natural state. He said a long-time resident suggested a blue bird trail be established in this park. He then presented a bluebird house to the Parks and Recreation Director. He said the bird house is a donation from him and his wife and he hopes it will be the first of many more to come.

The Council thanked Councilmember Bergman for his thoughtful donation.

Councilmember Goodwin said when Councilmember Bergman was out visiting with the neighbors in the area, he found out there is a popular winter sliding hill on the western side of the park. He clarified there are no intentions to cut into the hill.

STAFF COMMUNICATIONS

Mr. Lawell congratulated Mayor Hamann-Roland on her appointment to the Collaborative Government Council, which will be headed by the State Auditor, and begin its work later this month.

COUNCIL COMMUNICATIONS

Councilmember Goodwin commented on a bill that was not passed that would have exempt cities from paying sales tax on various goods including water used to fight fires.

Mayor Hamann-Roland thanked all the volunteers and staff members for the impressive 4th of July celebration. She stated she heard many positive comments. She then invited the public to Music at Stage One in Kelley Park this coming Friday from 6:00 p.m. to 9:00 p.m.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by LaComb, approving the calendar of upcoming events as included in the City Clerk's memo dated July 2, 2010, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

CLAIMS AND BILLS

MOTION: of Grendahl, seconded by Goodwin, to pay the claims and bills, check registers dated June 24, 2010, in the amount of \$546,938.03; and June 30, 2010, in the amount of \$711,629.05; and July 7, 2010, in the amount of \$495,952.67. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, to adjourn. Ayes - 5 - Nays - 0.

The meeting was adjourned at 8:57 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter
Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council on 7-22-10